



# Business Emergency Plan

California Health and Safety Code Chapter 6.95 and the California Code of Regulations Title 19 Division 2 Chapter 4 Article 4 Section 2729 contain the minimum requirements for business emergency plans and chemical inventory reporting. These regulations require businesses to provide emergency response plans and procedures, training program information, and a hazardous material chemical inventory disclosing hazardous materials stored, used, or handled on site. A business with hazardous materials or a mixture containing hazardous materials shall establish and implement a business plan if the hazardous material is handled in quantities:

- (1) equal to or greater than 55 gallons, 200 cubic feet of gas, or 500 pounds, or
- (2) equal to or greater than the applicable federal threshold planning quantity (TPQ) for an extremely hazardous substance (EHS) listed in Appendix A Part 355 Title 40 of the Code of Federal Regulations. If a business handles an EHS, the business is subject to the Federal Emergency Planning and Community Right-to-Know Act (EPCRA). {California Code of Regulations Title 19 Section 2729.6}
- (3) radioactive materials that are handled in quantities for which an emergency plan is required to be adopted pursuant to Part 30 (commencing with Section 30.1), Part 40 (commencing with Section 40.1), or Part 70 (commencing with Section 70.1), of Chapter 10 of Title 10 of the Code of Federal Regulations (54 Federal Register 14051), or pursuant to any regulations adopted by the state in accordance with those regulations.

A hazardous material is defined as any material that because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the work place or the environment.

The intent of the Business Emergency Plan is to assist in mitigating a release or threatened release of a hazardous material and to minimize any potential harm or damage to human health or the environment. Emergency responders use the information provided in planning for and handling emergencies involving hazardous materials.

The Newport Beach Fire Department uses an internet based submittal program which we believe is a much easier and faster process for your business.

Please go to the following website <http://www.esubmit.ocgov.com> to Request a Username and Password for your business. Please use an email address as your Username. Your password will be sent to your email address and may take up to a few days to receive. Your business is allowed up to two (2) Usernames.

Once you have your password, login at <http://www.esubmit.ocgov.com> to complete your Business Emergency Plan. The enclosed **Business Emergency Plan (BEP) Electronic Submittal Instructions** will assist you with completing the forms. Please use these instructions in addition to the online help provided.

If you need assistance with the electronic forms, please call Nadine Morris in the Fire Prevention Division at (949) 644-3105 or email her at [nmorris@nbfd.net](mailto:nmorris@nbfd.net).

## Fees

Fees are for recovery of costs to operate the Business Emergency Plan program and are based upon the number and quantity of chemicals used, handled, or stored by a business. Materials required to be disclosed are subject to fees. Your business' annual fee will be included in Orange County's Certified Unified Program Agency (CUPA) consolidated bill.

## **Fines**

Failure to submit disclosure information or falsification of documents will be subject to the following fines and penalties pursuant to the California Health and Safety Code Section 25514:

- Failure to disclose can result in fines of up to \$2,000.00 per day.
- Violations occurring after reasonable notice has been given can result in fines of up to \$5,000.00 per day.
- Violations can be punished by imprisonment in addition to the stated fines.

Verification of disclosure information will be handled during the annual fire inspection and special verification inspections as needed.

## **Reporting Changes**

California Code of Regulations Title 19 Section 2729.5 requires updated disclosure forms be submitted to the fire department within 30 days of a change. Such changes include but are not limited to the following:

- Any handling of previously undisclosed hazardous materials subject to disclosure.
- Changes in quantity of a previously disclosed hazardous material.
- Change of business address.
- Change of business ownership.
- Change of business name.